

RECEIVED  
CENTRAL FAX CENTER

SEP 30 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): P. Bonutti

Confirmation No.: 7407

Application No.: 09/476,156

Examiner: S. Channavajjala

Filed: December 30, 1999

Group Art Unit: 2177

For: DISSEMINATION OF LITIGATION INFORMATION

Attorney Docket No: 780-A02-034

**PETITION TO ACCEPT LATE PAYMENT  
OF ISSUE FEE**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

In response to the Notice of Abandonment mailed September 20, 2004, a copy of which is enclosed, Applicant hereby petitions for acceptance of late payment of the issue fee for the above-identified application pursuant to the provisions of 37 C.F.R. § 1.137(b).

A Notice of Allowance for this application was mailed May 12, 2004, making the Issue Fee due August 12, 2004. On August 3, 2004, as indicated on the enclosed Issue Fee Transmittal which includes a Certificate of Transmission, Applicant timely submitted the Issue Fee via facsimile. As has been the case in other applications handled by Applicant's representative, an Auto Reply Facsimile Transmission Receipt was not received from the USPTO. Applicant did receive a Transmission Verification Report (a copy of which is enclosed) from the transmitting facsimile machine. Upon receipt of the Notice of Abandonment, Applicant's representative observed that the Transmission Verification Report identified the receiving facsimile number as (703) 746-6000 and not (703) 746-4000, the facsimile number set forth on the Issue Fee Transmittal.

In light of the foregoing, the required reply, in the form of a newly executed Issue Fee

10/01/2004 AHONDAF2 00000012 09476156

01 FC:2453

665.00 DP

Applicant(s): Bomutti, Peter M  
Application No.: 09/476,156  
Examiner: S. Channavajjala

Transmittal is being submitted together with this Petition. A Fee Transmittal Form, authorizing charging of the petition fee of \$665.00 (small entity rate) as set forth in 37 C.F.R. § 1.17(m) is also being submitted. Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

The entire delay in providing and filing the required reply from the due date for the reply until the filing of this Petition, a grantable petition pursuant to the relevant regulation, was unintentional.

As previously noted, a fee for this Petition (at a small entity rate) is believed to be due for this submission. Additionally, the issue fee (at a small entity rate) is also being filed concurrently herewith. The required fees are being paid via enclosed Credit Card Payment Form. However, please charge any additional required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 780-A02-034).

Respectfully submitted,



Paul D. Bianco, Reg. # 43,500

Customer Number: 33771  
Paul D. Bianco  
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO  
601 Brickell Key Drive, Suite 404  
Miami, Florida 33131  
Tel: 305-931-9620; Fax: 305-931-9627  
e-mail: [pbianco@focusonip.com](mailto:pbianco@focusonip.com)